

1882-039

Chancery Causes: John McDowell vs. Harvey M. Hall &c

Lee Co

Vermillion, Sims

1 Plat

CA-Estate Dispute  
T-Property



To the Hon John A. Kelly Judge of the Circuit Court of  
Lee County Virginia

Your Orator John M. Dwell humbly complaining  
respectfully sheweth unto your Honor that one Robert Sims  
who had never been married lately departed this life intestate  
and <sup>was</sup> the owner of a valuable tract of land lying and being in  
said Court, of Lee about 8 miles South west of the Court House  
and on the North side of Powell's river

This tract of land at the death of said Robert Sims des-  
cended to his brothers and sisters who were then living and  
to the descendants of such of them as were dead in the  
regular course of descent.

By a Suit lately determined in your Honors Court, brought  
by Jane Hamblen a sister of said Robert Sims, against the  
Sims, and the other heirs at law of said Robert Sims, his  
real estate before referred <sup>to,</sup> was partitioned among his  
brothers and sisters living, and the children of those who were  
dead. And a copy of the Plot which accompanies the  
report of the Commissioners who made the partition thereof  
under your Honors direction in that suit is herewith  
filed as a part of this bill marked exhibit (A)

By reference to said plot your Honor will perceive that  
lot No. 1 was assigned to Margaret Sims, No. 2 to W. Sims,  
No. 3 to Campbells heirs, No. 4 to the heirs of Allie Hyman, No. 5



to the heirs of John Sims, N<sup>o</sup>. 6. to the heirs of Elizabeth Adams, N<sup>o</sup>. 7. to Jane Hamblen, and N<sup>o</sup>. 8. to Lucy Tratter.

Your Orator further states that he has become the owner by purchase from Lucy Tratter and her husband of said lot N<sup>o</sup>. 8. as will appear by their original deed herewith filed marked exhibit (B)

Your Orator further states that by deed bearing date Dec<sup>r</sup>. 10 1880 and acknowledged by Jane Hamblen Aug<sup>t</sup>. 16 1881 and herewith filed marked (C), that he has become the owner by purchase from her of said lot N<sup>o</sup>. 7. And by this paper, and another deed herewith filed marked (D) it will be seen that your Orator has become the owner by purchase from the heirs of John Sims of six sevenths of said lot N<sup>o</sup>. 5.

Your Orator further states that the heirs of Elizabeth Adams died to whom said lot N<sup>o</sup>. 6. was assigned were Minerva Vermillion wife of Douglass I. Vermillion, Elizabeth Caldwell wife of Stephen J. Caldwell, Martha Latham wife of W. L. Latham, Catherine James, widow of Jesse James died, Margaret Adams, Belina Adams, and Alexander Adams.

Your Orator further states that since said assignment was made the said Minerva Vermillion has departed this life leaving the following children her heirs at law to wit William<sup>1</sup>, John<sup>2</sup>, Elizabeth<sup>3</sup>, Martha<sup>4</sup>, Nancy<sup>5</sup>, Erwin<sup>6</sup>, and George<sup>7</sup> Vermillion to whom the fee simple of the said Minerva's interest in said lot N<sup>o</sup>. 6. descended, subject to the custody of the said Douglass I. Vermillion during his life.



Your Orator further States that the said Douglass J. and his children, William, John, Elizabeth, Martha, Nancy, Edwin and Georgianna Vermillion are all residents of the state of Virginia and the five last named children are minors under the age of 21 years.

Your Orator further states that he has become the owner by purchase of two Sevenths of said lot N<sup>o</sup> 6. as will fully appear by reference to two deeds herewith filed marked E & F. by the first of which the said Stephen J. Bowditch & wife Elizabeth convey their interest to him, and by the second the said Alexander Adams conveys his interest therein to your Orator.

Your Orator further States that one Harvey M. Hall has become the owner by purchase of five Sevenths of said lot N<sup>o</sup> 6. He has bought out the following interests as your orator is informed and believes to wit the interest of Martha Latham and her husband W. R. Latham the interest of Bathurst James, the interest of Margaret Adams and the interest of Belina Adams. From this statement of the facts Your Honor will see that said lot N<sup>o</sup> 6. now belongs to the heirs of Menerva Vermillion said H. M. Hall and Your Orator in the proportions already stated.

From what has now been stated your Honor will see that your Orator owns land lying both on the north and south sides of said lot N<sup>o</sup> 6.



Your orator is advised that under the law of the land, he is entitled to have said lot No. 6 partitioned between himself, said Harvey M. Hall and the heirs of said Minerva Vermillion dead, And he is further advised that a court of equity will if the same can be done without prejudice to the rights of the other share holders lay off and assign to your orator his two shares in a body together and your <sup>orator</sup> states that the same can be done without injury or injustice to others, And to attain such partition is the object of this suit. Your orator's prayer therefore is that the said Harvey M. Hall, Douglas I, Vermillion, William Vermillion, John Vermillion, Elizabeth Vermillion, Martin Vermillion, Nancy Vermillion, Ervin Vermillion and Georgiann Vermillion be made defendants to this bill and required to answer the same fully in Oath, that an order of publication be made posted and published against the said Douglas I, William, John, Elizabeth, Martin, Nancy, Ervin and Georgiann Vermillion, that a guardian ad litem be appointed to answer and defend the interest of the last mentioned five <sup>who are</sup> infants in this suit, And that upon a hearing of the cause a decree be entered directing partition to be made of said lot No. 6. between your orator and the defendants hereto and that commissioners be appointed to make such partition, with directions



to assign two shares of lot No. 6 to your Orator 4 shares to  
the said Harvey M. Hall and one share to the heirs of said  
Minerva Vermillion decd. subject to the custody of Douglas  
J. Vermillion, And that if the same can be done without  
injury to the other shares, that said Commissioners be directed  
to assign your Orator two shares in a body together  
out of the north side of said lot No. 6 and adjoining lot  
No. 5 as shown on said Plot, And your <sup>orator</sup> further prays  
for all general and special relief Mer, the Commission<sup>ers</sup> at the  
with of Sp<sup>a</sup> issue directed &c.

Ayers & Morgan for Orff



John M. Dowell

vs. { Bill

Harry M. Hall & others

1882 January 11 Bill filed

" Feb. 1, 1882, Bill amended  
and D. N. J. & H. J. set aside  
Bill 2. for instant left to be  
answered filed.

" Mr. - Out could C. D. J. and  
and set for hearing by D. J.

1882 March Decree & Court of

for Decree final

6 39.94

5.00

15.00

5.00

1.50

5.00

\$40.44



John. McDowell

vs

Plff

In chcy

H. M. Hall et al Defts

To the Hon. Jm Kelly Judge of the  
Circuit Court of Lee County Virginia,

The seperate answer of John, Elizabeth, Martha, Nancy, Edwin and Georgian Vermillion, infants &c to a bill filed in this Honorable court against them et al by John McDowell, by J. A. G. Hyatt their Guardian ad litem. Respondent saving the benefit of all just and proper exceptions for answer thereto, or so much thereof as he is advised is material for him to answer. Answering he says —

So far as he is capable of judging the plaintiff has correctly set forth the facts in his bill — Respondent knows of no reason why said lands should not be partitioned, But his wards being of tender years and incapable of advising in regard to their best interest and legal rights, he throws them upon the tender mercies of this Hon. Court, the special Guar. of Infants, having now fully answered his prayer hence to be dismissed with his costs.

J. A. G. Hyatt Guar. ad

Sworn to before me

Notary &c

March 6<sup>th</sup> 1882.

John R. Gibson clerk  
of Lee County court.



John M. Cornell  
vs <sup>3</sup> Bus. G. A. L.

H. M. Hall et al

Filed at Feb Rules 1882.

J. A. G. Hyatt clk

Fee to J. A. G. Hyatt Esqr  
ad litem \$5.00.



John M<sup>c</sup>. Dowell      Peff  
 vs      } In Chy.  
 Harvey M. Hall & others      Defts.

This Cause came on again to be further heard on the papers formerly read, and the report of Eli Davis Wright Stickley and George Holliday the commissioners appointed at the last Term to partition and divide the lot of land in the bill mentioned between the Peff and the defendants, and was argued by counsel, and the said report being unaccepted <sup>tho</sup>, and having been filed in the clerks office more than 10 days before the commencement of the present Term. On consideration thereof it is adjudged Ordered and decreed that the said report of partition and the plot accompanying the same, be and they are hereby confirmed. Pursuant thereto it is further adjudged ordered and decreed that the plaintiff John M<sup>c</sup>. Dowell take and hold <sup>the two sevenths allotted him</sup> free from the claim of the defendants the lot of land marked No. 1 on the plot, according to the notes and bounds as set out in said report. That the defendant <sup>Harvey M. Hall</sup> take and hold the fourth sevenths allotted him free from the claim of the Peff, and <sup>the other</sup> defendants. and marked on the plot as lot No. 2 and according to the notes and bounds set out in said report. That the heirs of Meriwyn Tremain do take and hold the one seventh of lot No. 6. allotted them free from the claim of the plaintiff and defft Hall, and marked on said plot as lot No. 3 according to the notes and bounds as set out in said report. And it is further adjudged that the plaintiff pay two sevenths of the costs of this suit, and that he recover against the defendant H. M. Hall four sevenths of said costs. and against



of Menigwa Vermillion  
the heirs <sup>are</sup> ~~are~~ <sup>are</sup> ~~are~~ thereof. And the clerk of this court  
is directed to deliver to the clerk of the county court of Lee county  
to be by him recorded in the book in which deeds are recorded  
Copies of the decree in this cause appointing said commissioners  
overs their said report and plat, together with this decree  
And no further action being necessary this cause is taken  
from the docket.

John McDowell

as { Decree for final

Harvey M. Hall

Entered Page 277.

J. A. S. Hyatt  
Clerk

Entm  
20712  
Apr 7/82



John M. Davell, Peff }  
as } In lty.  
Harvey M. Hall & al Defts }

This cause came on this day to be heard on the bill of the Peff and exhibits therewith, the answer of the infant defendants by their guardian ad litem John H. Hyatt, and the bill taken for confessed as to the adult defts and was argued by counsel. And it appearing to the court that the plaintiff is entitled to have lot No 6 in the bill and proceedings mentioned partitioned between himself H. M. Hall the heirs of Minerva Vermillion decd. On consideration thereof it is adjudged ordered and Decreed that Eli Dairs Wright Slickly, and ~~Atty~~ George Halliday ~~being~~ be appointed Commissioners to make said partition who are directed to assign to the plaintiff two sevenths of said lot No 6 quantity and quality considered, four sevenths to the deft. H. M. Hall and one seventh to the heirs of Minerva Vermillion, And in doing so said Commissioners will assign to the Peff his two Shares in a body together off of the north side of said lot No 6 adjoining lot No 5 now owned by him if they can do so without prejudice to the other defendants, And they will also assign to the defendant Hall his four Shares in a body together if the same can be done without injury to the others. Said Commissioners will report their action to the court, and the cause is continued.



John McDowell

vs. } Decease

Harvey M. Hall

Entered P. 23445

Teste J. A. Hyatt clk.

Enter this decree

for C.A.K.

Mar 31/82



Virginia

At a circuit Court Continued and held  
for Lee County at the Court House thereof April 1<sup>st</sup> 1882

John M. Coraell Plff

vs

Harvey M. Hall, et al  
(Defts)

In Chancery

¶. ¶. ¶. ¶. ¶. On Consideration thereof it is  
adjudged ordered and decreed that Eli-  
Davis, Wright Stickley, and George Holiday  
be appointed Commissioners to make said  
partition, who are directed to assign to the  
Plaintiff two sevenths of said lot No 6, quantity  
and quality considered, four sevenths to the deft,  
H. M. Hall, and one seventh to the heirs of Manerina  
Verniceion, and in doing so, said Commissioners  
will assign to the Plaintiff his two shares in  
a body together off, of the north side of said  
lot No 6 adjoining lot No 5 now owned  
by him if they can do so, without prejudice  
to the other defendants, and they will also as-  
sign to the defendant Hall his four shares  
in a body together if the same can be done  
without injury to the others, Said Com-  
missioners will report their action to the  
Court and the Cause is Continued

A Copy Lesto:—

J. A. Hyatt

Clerk



McDowell, Hall & others,

John M. Douce  
vs Copy of record

H. M. Hall et al

vs Eli Davis, Wright  
Stickley and George  
Holiday, accept  
legal service of the  
within.

accepted

Geo Holiday

accepted

Wright Stickley

Eli Davis



I do swear that Douglas Vermillion W. Vermillion  
John Vermillion Elizabeth Vermillion Martha Vermillion  
Nancy Vermillion Ervin Vermillion and Georgeann Ver-  
million are all non residents of the state of W. which are  
god.

John McSorace

Sworn to and Subscribed by Jas. Mc Davell Jan'y 30<sup>th</sup> 1882  
Henry J. Morgan Const.



for M<sup>c</sup> Dowell

as } affd

H. M. Hall tal

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1)  
Pursuant to an order of the Hon. Circuit Court of Lee County Va. dated April 1st 1882, in the Chancery Cause of John Mc. Dowell Plaintiff vs. H. M. Hall et als. Defts.

We, Eli Davis, Wright Stickley and George Holiday proceeded on the 20th day of April 1882 to examine, survey and partition a lot of the Robert Sims land on Powell's river containing 22 Acres. among the several lawful owners in the following manner:

We first laid off and assigned to the Plaintiff, <sup>Jno. Mc. Dowell,</sup> on the north side of the lot two-sevenths in value according to our judgment, in one body estimated to contain  $5\frac{1}{4}$  acres, and marked, <sup>No. 1,</sup> on the plat hereunto annexed, and bounded as follows:

Beginning at a rock and running thence with a line of said Mc. Dowell's land S.  $86\frac{1}{4}^{\circ}$  E. 230 poles to the said river; thence down it  $3\frac{3}{4}$  poles to a stake; thence N.  $86\frac{1}{4}^{\circ}$  W. 230 poles to a rock; thence N.  $14\frac{1}{2}^{\circ}$  W.  $3\frac{3}{4}$  poles to the beginning.



2)

We then assigned to the Deft. H. M. Hall four seventh in value, in our judgment, in one body in the lot marked No. 2, estimated to contain  $12\frac{1}{2}$  acres, and bounded as follows: Beginning at a rock and running thence with a line of the first described lot, and nearly with a newly marked line S.  $86\frac{1}{4}^{\circ}$  E. 230 poles to a stake on the bank of the river and down it  $8\frac{3}{4}$  poles to a stake, thence N.  $86\frac{1}{4}^{\circ}$  W. 230 poles to a rock, thence N.  $14\frac{1}{2}^{\circ}$  W.  $8\frac{3}{4}$  poles to the beginning.

We then assigned to the heirs of Minerva Vermillion Deed, one seventh in value, in our judgment, in the lot marked No. 3, on the plat, estimated to contain  $4\frac{1}{4}$  acres and bounded as follows: viz: Beginning at a rock and running thence with a line of the second lot S.  $86\frac{1}{4}^{\circ}$  E. 230 poles to a stake on the bank of the river thence down the river  $2\frac{3}{4}$  poles to a



3)

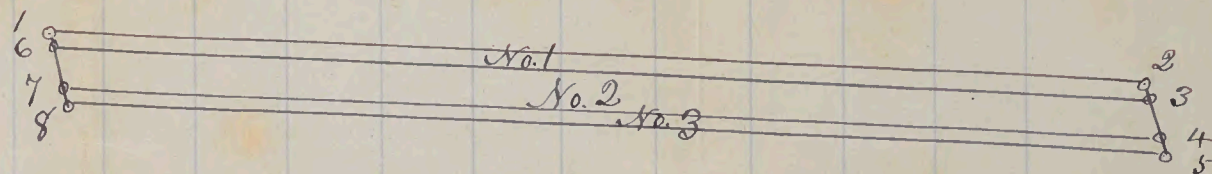
dead hickory, thence N.  $86\frac{1}{2}$ ° W. 230 poles with  
McDowell's line to two hickories; thence  
N.  $14\frac{1}{2}$ ° W. 3 poles the the beginning.

At the suggestion of E. Davis he left it to  
our unbiased judgment to make all the  
partition lines above described, simply  
running them where we directed and  
when we were done, we all three concurred  
in the opinion that we have done justice  
to all parties as near as we knew  
how. A fair plat of all may be  
seen on next page.

All most respectfully submitted.

Eli Davis,  
Wright Stickley }  
Geo. Holliday }  
Commissioners.





N  
Meridian line.  
S

Comis' charges:  
E. Davis 1/2 days.  
W. Stickley 1 "  
Geo. Holiday 1 "

\$ 3.00  
1.00  
1.00  
Total \$ 5.00



John M. Dowell

vs. } Common Pleas.

Harvey M. Hall vs.

Filed July 5<sup>th</sup> 1882

J. A. G. Hyatt  
Clerk

Comproes \$5.00



Virginia.

In the Clerk's Office of the Circuit Court of  
Lee County on Wednesday 11<sup>th</sup> January 1882.

John McDowell - - - - - Plaintiff

vs

Harvey M. Hall et al Defendants

} In Chancery

The object of this suit is to have partition of the  
land in the bill mentioned, being Lot No 6. of the  
Lands formerly owned by Robert Sims deceased  
between those entitled thereto, in proportion to their  
respective interest therein. And it appearing  
from an affidavit filed in this cause that  
Douglass T. Vermillion, Wm Vermillion, John Vermillion,  
Elizabeth Vermillion, Martha Vermillion, Nancy Ver-  
million, Ervin Vermillion and Georgian Vermillion  
are non-residents of this State.

It is therefore ordered that they appear here  
within One month after due publication of this  
order and do what is necessary to protect their  
interest in this suit.

A Copy Teste: J. A. Hyatt Clerk



John M<sup>c</sup>Dowell  
vs Cr. Pub.  
H. M. Hall et al

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The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

*Harvey M. Hall, Douglas J. Vermillion, Wm Vermillion, John Vermillion, Elizabeth Vermillion, Martha Vermillion, Nancy Vermillion, Ervin Vermillion, and Georgiann Vermillion*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*February* next, being rule day to answer a bill in Chancery, exhibited in our said Court against  
*them* by

*John McDowell*

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this *11<sup>th</sup>* day of *January* 1882; in the *106* year of the Commonwealth.

*J. A. G. Hyatt* CLERK.

*A Copy Leste.*

*J. A. G. Hyatt*  
*Clerk*



The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon

*Harvey M. Hall, Douglas, J. Vermillion*  
*John Vermillion, Wm Vermillion, Elizabeth Vermillion,*  
*Martha Vermillion, Nancy Vermillion, Erwin Vermillion,*  
*and Georgieann Vermillion*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*February* next, being rule day to answer a bill in Chancery, exhibited in our said Court against  
*them* by

*John M<sup>c</sup> Dowell*

And have then there this writ, Witness JOHN A. G. HYATT Clerk of our said court at the Court-House  
this *17<sup>th</sup>* day of *January* 1883 in the *106* year of the Commonwealth.

*J. A. G. Hyatt* CLERK.



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94

(H M)

John M<sup>c</sup> Dowell

U.S. 3<sup>d</sup> Spa. in Chcy

Harvey M. Hall et al

To February Rules 1882

Executed by delivering  
a copy of the within to the  
wife of H. M. Hall and  
explaining the same to her  
he not being at the usual  
place of his abode  
Febry 1<sup>st</sup> 1882.

Thos. S. Ely S. G. L.



The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon,

Harvey M. Hall, ~~Douglas~~ I.  
Vermillion, Wm Vermillion, John Vermillion  
Elizabeth Vermillion, Martha. Vermillion Nancy  
Vermillion, Ervin Vermillion and Georgiann. Vermillion

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in February  
next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them

by

John McDowell

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this 11<sup>th</sup> day of January 1882; in the 106 year of the Commonwealth.

A Copy Teste.

J. A. Hyatt CLERK.

J. A. Hyatt  
Clerk



# THE SENTINEL

DEMOCRATIC—SUBSCRIPTION, ONE DOLLAR AND FIFTY CENTS A YEAR.

FRED. R. STICKLEY, EDITOR AND PROPRIETOR

VIRGINIA:—In the Clerk's Office of the Circuit Court of Lee county, on Wednesday, January 11th, 1882.

John McDowell, Plaintiff, vs. Harvey M. Hall, et al., Defendants.—In Chancery.

The object of this suit is to have partitioned the land in the bill mentioned, being Lot No. 6 of the land formerly owned by Robert Sims deceased, between those entitled thereto, in proportion to their respective interest therein. And it appearing from an affidavit filed in this cause that Douglass I. Vermillion, Wm. Vermillion, John Vermillion, Elizabeth Vermillion, Martha Vermillion, Nancy Vermillion, Ervin Vermillion, and Georgia Ann Vermillion, are non-residents of the State of Virginia, it is therefore ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

A copy—teste:

J. A. G. HYATT, Clerk.

1882.

I hereby certify that a Chancery order in the Circuit Court of Lee County, of which the annexed is a copy was printed for successive weeks in the "Lee County Sentinel", a weekly newspaper published in the town of Newmarket County of Lee State of Virginia. Publication ending March 13<sup>th</sup> 1882

F. R. Stickley  
Pubr.



Pub<sup>l</sup> Certificate

McDowell  
to E. Archy  
Halletts